

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL FIX,

Plaintiff-Appellee,

v

AAA MICHIGAN,

Defendant-Appellant.

UNPUBLISHED

October 19, 2001

No. 221417

Wayne Circuit Court

LC No. 98-834229-NF

Before: Bandstra, C.J., and Whitbeck and Owens, JJ.

MEMORANDUM.

Since this case was orally argued, another panel has rendered a decision in *Bombalski v Perri*, ___ Mich App ___; ___ NW2d ___ (2001) (Docket No. 220424, issued 9/25/2001). We are convinced by the reasoning of *Bombalski* and, in any event, must follow the rule of law it established. MCR 7.215(I). Accordingly we conclude that defendant AAA Michigan has no obligation to make payment to plaintiff under MCL 500.3107(1)(a) for “any amounts (i) exceeding those that plaintiff’s health insurer actually paid in satisfaction of plaintiff’s medical bills and (ii) for which plaintiff no longer bears legal responsibility.” *Bombalski*, slip op at 5.

We reverse the lower court’s order granting summary disposition in favor of plaintiff and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Richard A. Bandstra

/s/ William C. Whitbeck

/s/ Donald S. Owens